

LEE COUNTY RESOLUTION NO. 16-05-08

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 06-11-30, AS AMENDED, WHICH DESIGNATED BEN HILL GRIFFIN PARKWAY AND TREELINE AVENUE BETWEEN ALICO ROAD AND DANIELS PARKWAY AS A CONTROLLED ACCESS FACILITY IN ACCORDANCE WITH CHAPTER 10 OF THE LEE COUNTY LAND DEVELOPMENT CODE, AND ESTABLISHING PERMANENT ACCESS POINTS.

WHEREAS, the Board of County Commissioners (Board) is considered the transportation authority in Lee County by virtue of the authority granted in Florida Statutes, Section 125.01(m), to provide and regulate roads; and,

WHEREAS, the Board, as transportation authority, has the power to establish, designate, and regulate controlled access facilities in accordance with Chapter 10 of the Land Development Code (LDC); and,

WHEREAS, the Board desires to designate and establish Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, as a controlled access facility with fixed access points; and,

WHEREAS, the Board designates roadways as controlled access facilities in order to allow for the safe and relatively unimpeded movement of large volumes of traffic; and,

WHEREAS, the Board finds that the designation of this roadway corridor as a controlled access facility will preserve safety and traffic capacity and, therefore, is in the best interest of the public; and,

WHEREAS, Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, is designated as a controlled access facility with fixed access points in accordance with Chapter 10 of the LDC; and,

WHEREAS, the fixed access points along this roadway corridor are set forth in detail in the attached exhibit and map; and,

WHEREAS, approval for the construction of a new, or use of an existing access point, median opening, or turning movement is reserved to the County. Approval of such requests will be based upon facts and circumstances applicable to the request at the time of application for development order or permit submittal; and,

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WHEREAS, Resolution No. 06-11-30 was adopted by an affirmative vote of a super majority of the Board of County Commissioners; and,

WHEREAS, the Treeline Avenue Access Management does not designate an access to the potential industrial/commercial site over a distance of about one mile. This revision of the access management resolution would provide and designate a full movement access approximately midway between two existing approved access points.

WHEREAS, this revision provides an access point to be shared by SW International Commerce Park and Treeline Ventures, a proposed commercial park. The access is approximately 2,500 feet south of Global Parkway and approximately 4,200 feet from the approved access to the Aloia property.

WHEREAS, there will be enough space between the accesses to permit safe and efficient weaving and slowing to enter turn lanes without adversely affecting the through traffic on Treeline Avenue.

WHEREAS, the Lee County Department of Transportation has concluded that, the modifications will not hinder traffic capacity nor be contrary to the protection of the health, safety, and welfare of the citizens of Lee County.

NOW, THEREFORE, be it resolved by the Board of County Commissioners that:

1. Ben Hill Griffin Parkway and Treeline Avenue, between Alico Road and Daniels Parkway, Controlled Access Resolution designated fixed access points in accordance with Chapter 10 of the LDC is hereby amended to add a new connection point to allow northbound left, southbound u-turns, eastbound left and eastbound right-in/right-out access only on the west side of Treeline Avenue at highway **Station 144+67, west side**, approximately 6,440 feet north of Terminal Access Road, and is conditioned as follows:
 - a. The Developer(s) must acquire a release by the FAA of the property necessary to achieve a connection between the private property to the west and the Treeline/Ben Hill Griffin Parkway road corridor. The property is to be released to Lee County at the expense of the applicant(s) for the access.
 - b. The Developer(s) must acquire approval from the South Florida Water Management District and the U.S. Army Corps of Engineers to amend the governing permits issued to the Lee County Port Authority to accommodate the subject access to Treeline/Ben Hill Griffin Parkway.
 - c. The Developer(s) must request an amendment to the Airport AOPD Master Concept Plan to reflect the access to Treeline from the west at this location.

2. Resolution No. 06-11-30, as amended, is hereby further amended as follows:
 - a. Provide an access point to be shared by SW International Commerce Park and Treeline Ventures, a proposed commercial park. The access is approximately 2,500 feet south of Global Parkway and approximately 4,200 feet from the approved access to Aloia property.
 - b. Conveyance of a public roadway easement across the parcels currently identified as SW International Commerce Park, SW FL Investment LLC parcels, Rodriguez parcel, and Treeline Ventures LLC connecting to Jetport Loop and Global Parkway in the Southwest International Commerce Park project.
 - c. Construction of a roadway to collector design standards within the public roadway easement referenced above must occur coincident with the development order for infrastructure improvements to the parcels SW International Commerce Park.
3. The fixed access points along the roadway corridor, including the point conditionally approved herein, are set forth in detail in the attached Exhibit "A" and map/sketch.
4. The Board's adoption of this resolution does not guarantee, create, or vest in any property owner a right or property interest with respect to a designated access point, median opening, or turning movement. The County retains full power and authority to exercise its police power to modify or close connection points, median openings, and turning movements to protect the health, safety, and welfare of the traveling public
5. Approval for the construction of a new, or use of an existing access point, median opening, or turning movement is reserved to the County. Approval of such requests will be based upon facts and circumstances applicable to the request at the time of application for development order or permit submittal.
6. This resolution was adopted by an affirmative vote of a super majority of the Board of County Commissioners.

Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Manning. The vote was as follows:

John E. Manning	<u>Aye</u>
Cecil L Pendergrass	<u>Aye</u>
Larry Kiker	<u>Aye</u>
Brian Hamman	<u>Aye</u>
Franklin B. Mann	<u>Aye</u>

Duly passed and adopted this 3rd day of May, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By Loyce Townsend
Deputy Clerk

By F B Mann
Franklin B. Mann, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By M. J. [Signature]
Office of the Lee County Attorney